



118 Lion Blvd PO Box 187 Springdale UT 84767 \* 435-772-3434 fax 435-772-3952

**MINUTES OF THE PLANNING COMMISSION SPECIAL MEETING ON  
TUESDAY, OCTOBER 6, 2015,  
AT THE SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH.  
THE MEETING BEGAN AT 5:00 PM.**

**MEMBERS PRESENT:** Chairman Jack Archer, Commissioners Randy Taylor, Joe Pitti, Mike Marriott, Liz West, Allan Staker and Jack Burns from Zion National Park

**ALSO PRESENT:** DCD Tom Dansie and Town Clerk Darci Carlson recording. Please see attached list for citizens signed in.

**Approval of Agenda:** Motion made by Mike Marriott to approve the agenda; seconded by Joe Pitti.

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Marriott: Aye

Motion passed unanimously.

**Commission discussion and announcements:** Mr. Dansie announced the Butch Cassidy 5K/10K race registration was open. The event will sell out as it does every year. People interested in volunteering should contact Allan Staker.

Ms. Carlson mentioned today was her one-year anniversary being Town Clerk. She thanked everyone for their support and for the opportunity to serve.

**Action Items**

**Public Hearing – Zone change request from Valley Residential (VR) to Village Commercial (VC) on a 0.68 acre property located at 1552 Zion Park Boulevard (parcel number S-78-C-1) – Stewart**

**Ferber, representing the Cope family:** Mr. Dansie said the subject property is currently zoned as Valley Residential subzone A. The request is to change zoning to Village Commercial. The future land use map shows the area as mixed use which envisions a combination of residential and commercial uses. Clara Cope owns the property, but Stewart Ferber was representing the family.

- The property does not have access on a dedicated right-of-way but has an easement through the Quality Inn Montclair. Because of this situation, many of the uses in the Village Commercial zone that require a conditional use permit would be problematic to develop. Therefore likely uses for this property under a Village Commercial zone designation would be increased intensity residential uses or low intensity commercial uses.
- A change in zoning would allow for expanded uses of the property.
  - Mr. Archer asked if the property could be developed for transient lodging use. Mr. Dansie answered nightly rentals is one use but would require a conditional use permit and proof that the rentals would generate less than 10 vehicular trips per day.
- Adjacent to the subject property is the Quality Inn Montclair. The front portion of this property is Village Commercial and the rear portion is Valley Residential.
- Mr. Taylor asked if the Montclair property was part of this zoning request.
  - Mr. Dansie said the Commission can recommend whatever boundaries they want.

Mr. Pitti wanted to confirm the recent development agreement with the Montclair would eliminate further development on the rear portion of this property. Mr. Dansie indicated it would.

**Public questions:** Gene Gerstner was in the audience and shares a property line with the subject property. He asked how this zone change request would affect the residential section on the rear of the Montclair property.

- Mr. Dansie said the conceptual development agreement does not contemplate development on this rear portion. It only contemplates increase development on the front portion only.

Stewart Ferber addressed the Commission. For many years he said Fay Cope discussed how the subject property should have been zoned Village Commercial.

When Mr. Ferber discussed the Montclair development agreement with Fay's brother Darren Cope, he was not pleased about it and expressed frustration that his mother's property was originally mis-zoned.

Mr. Ferber reiterated this application does not affect the zoning on the back portion of the Montclair property. He provided some history on the property:

- Originally the area - which now includes the church, the Montclair and the subject parcel - was one big piece of property. It was rezoned about 1992 and the church took one section, the hotel took another and the house was left as residential. Mr. Ferber said they believe there has been a substantial change in the property around the home given the other commercial development.
- It is Clara Cope's desire to leave the property to her children so they can develop the land for their families. Mr. Ferber said the Copes have been good neighbors to him and he wants to help them with this zone change request. He believes Fay Cope never applied for the zone change because it was expensive to do so.

Ms. West referenced the August 4<sup>th</sup> Planning Commission minutes where Mr. Ferber indicated the Copes were interested in building a 4-unit rental on this property. Tonight however he was suggesting transient lodging.

Darren Cope was in attendance and indicated they do not have a development plan right now. They feel the property should be re-zoned because they are surrounded by other Village Commercial properties.

- Mr. Archer asked if the family had asked for a zone change previously. Darren Cope said he talked to his sister Fay Cope many times but because of her position with the Town she did not feel it her business to approach it. The family therefore did not push the topic.

Ms. West said if the property was developed for family housing only, this would be consistent with the General Plan. She asked the family's interest in a pocket housing development.

- Darren Cope said they were not interested in this. He felt they had a right to build whatever they want. To him there was a limit to what the property was worth given the hotel and church.
- Mr. Archer said pocket housing was a concept the Commission considered during previous discussions about housing in Town. Mr. Dansie defined pocket, or cottage housing, as smaller homes designed similarly and clustered together. The homes share a driveway and other common areas.

Mr. Ferber said given the size of the property there was not much they could do with it commercially. There was no frontage on SR-9.

- Mr. Taylor noted the subject property acreage, under Village Commercial zoning, would allow for up to seven units.

Ms. West asked how long the family had owned the property. Darren Cope answered they moved there in the winter of 1974.

- Clara Cope spoke from the audience and said the property needs to be changed to commercial. Darren Cope said if the density is changing in front of the property they have a right to this zone change.

Commissioner Marriott said the Town code stipulates one of three criteria must be met in order to justify a zone change. These criteria include: it promotes the General Plan; it corrects a manifest error; it accommodates a substantial change in conditions. He asked how the criterion applied to the application.

- Mr. Ferber said the subject property was not cut along a natural boundary. There has also been a significant change in condition since commercial properties are in front and along the side of it. The future land use map showed the area as mixed use.
- Mr. Archer asked if the family protested the zone in 1992. Darren Cope was unsure.

Shauna Young said in 1992 there was ample opportunity to protest the zone designation and rectify it at that time.

**Motion made by Joe Pitti to open public hearing; seconded by Liz West**

**Taylor: Aye**

**Archer: Aye**

**Pitti: Aye**

**West: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

**Public comments:** Gene Gerstner spoke and indicated he wrote a letter opposing the zone change (Attachment #1). His objections to the zone change were specifically tied to Town Code Title 10 sections 1.2 and 3.2. He said Town code intends to protect present and future inhabitants from intrusion into residential areas. It is designed to promote a balance between desirable economic activity and the most satisfactory lifestyle. Therefore any residential concession to urban sprawl would not be in concert with the code. Mr. Gerstner said a zone change argument simply based on "it should have been done" does not satisfy a manifest error.

Shauna Young agreed with Mr. Gerstner's statements and said she too was adamantly against any zone changes from residential to commercial in Town. The goal of the zoning in 1992 was to intersperse residential property with commercial. She said the notion of mixed use may be misunderstood. It is designed to be transitional, not designated for commercial use only. Ms. Young said if rezoned, the Town will lose control. This request should not set precedence for anyone desiring their property be rezoned commercial.

**Motion by Mike Marriott to close public hearing; seconded by Randy Taylor.**

**Taylor: Aye**

**Archer: Aye**

**Pitti: Aye**

**West: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

**Commission discussion:** Mr. Archer said he did not see where this request fit into the three criteria for a zone change. There were opportunities to submit a zone change request previously but for whatever reason it was not done. In addition, he said the church and hotel had been there for quite some time so suggesting a change in condition really did not fit.

Mr. Marriott noted there may be changes in condition with the Ferber development agreement.

- Mr. Archer said the Commission did not hear any objection from the Copes during the time the development agreement was discussed. There may be substantial changes in the future.

Commissioner Taylor voiced concerns. If a zone change is approved the property owner can develop anything allowed for that zone. They could apply for a variance on the frontage in the future. At this time the property owner was not presenting any development plans the Commission could contemplate therefore there was uncertainty as to what was intended. Mr. Taylor said recently the Commission set a

precedent by recommending denial for a zone change request from residential to commercial. He recommended denial of this zone change request too.

Ms. West asked if a deed restriction could be placed on the property whereby only residential development was allowed.

- Mr. Ferber said the Cope family wants the rights of Village Commercial because they are surrounded by Village Commercial however their primary goal is to increase the allowable density for housing.
- Mr. Pitti said the current zoning would only allow for development of a duplex. He said the circumstances relating to this property were troubling. He noted the property was land-locked and very different from the zone change request referenced by Mr. Taylor. You need to drive through a commercial development to access the property. Mr. Pitti said Fay Cope did talk extensively about this property but never acted on a change request. He voiced concerns about the open-endedness of the request since there was no development plan presented. He said putting a residential-only condition on the property would be a compromise. This would support the General Plan by providing needed housing for the Town.
- Citing General Plan strategy 3.2.1.a, Mr. Pitti said changes are allowed only if they are clearly consistent with the future land use map. If the property had a residential-only restriction placed on it, this would support that strategy. Mr. Pitti said there have been significant changes to this property since it was completely surrounded by commercial uses. He understood the comments of the community members but was conflicted. Mr. Pitti recommended more discussion of how this request fits in with the General Plan goals and objectives regarding housing for residential uses.

Mr. Taylor asked if they leave the zoning as-is could they stipulate through a development agreement that only a four-plex be developed.

- Mr. Dansie answered 'no'. With a development agreement the Town is only allowed to increase density up to 20%. This would allow for a duplex not a four-plex. To achieve the density requested a zone change would be necessary.

Mr. Pitti asked if the Commission could attach a residential-only condition on the property that remains in perpetuity. Mr. Dansie said 'yes'. The Town had done this previously whereby a recorded agreement becomes a deed restriction. This further constrains development.

Ms. West said she was also in conflict. Normally these types of requests are cut-and-dry. She did not think the current zoning was good planning. She could see how changes could be appropriate but did not want to set precedent.

Mr. Staker added that since the Copes had moved there, the church with its large parking lot and a huge hotel had been built. He could not imagine a more substantial change in condition.

Mr. Marriott said it was a challenging piece of property. He wanted to see more clarity in how the owner planned future uses. Mr. Marriott indicated residential-only restrictions on the property would be a good balance in this case.

- Mr. Dansie said this type of constraint should be memorialized in a development agreement that is then recorded in a deed restriction.

Mr. Taylor suggested the Commission review the details of a preliminary development agreement before they decide on a zone change. Mr. Archer agreed and said he would like to see something in writing.

- Mr. Ferber said they can draft a plan to assure residential-use only if zoned Village Commercial.

Mr. Pitti said providing a more formalized plan how the property would be used helps Commissioners determine if the request supports the General Plan. In order to justify any change they must follow very specific standards.

The property owner and applicant felt this request was very fair.

**Motion made by Mike Marriott to table the zone change request pending further information:  
seconded by Joe Pitti.**

**Taylor: Aye**

**Archer: Aye**

**Pitti: Aye**

**West: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

#### **Discussion/Information/Non-Action Items**

**Discussion of wireless communication facility ordinance:** Mr. Dansie said the Town Council directed the Planning Commission to look at adopting standards for wireless communication facilities. It is problematic to apply the typical zoning standards to cell tower sites. According to the 1996 Federal Telecommunications Act, a municipality cannot prohibit wireless communication facilities and must make provisions for them. The Town also must make provisions for them to function effectively therefore height cannot be used as a constraint. The Town must identify areas where cell towers are allowed.

- Mr. Dansie said the Town can place restrictions on where cell towers are located. The Town can also regulate density, aesthetics and visual impacts. Regulations cannot be too burdensome. Mr. Dansie noted that more aggressive restrictions may increase the likelihood of challenge.

Mr. Burns provided comments before the meeting via email (Attachment #2). He said when dealing with national parks or federal land there are different standards including the cell tower company must demonstrate the facility could not be placed elsewhere. Zion National Park is currently considering a wireless communication facility which may be designed similar to the cooling towers at the Visitor Center.

Mr. Dansie said the genesis of this topic came from a request to locate a cell tower in Town. He said it was problematic because the Town does not have standards to regulate. In addition, the requested location was in a geologic hazard zone.

- Mr. Taylor asked if the Town has to provide Town property for a cell tower. Mr. Dansie said the Town does not. Mr. Taylor commented that for the recent request the tower would have been placed on private property however the Town denied the easement request associated with the application.

Mr. Dansie said cell towers typically operate on line-of-sight so multiple towers may be needed to effectively service all parts of Town.

- For this reason Mr. Burns said any ordinance should make it mandatory for co-location so multiple antennas can be placed on one tower. Park policy regulating communication towers is controlled by the federal government.
- Mr. Dansie said it can be a trade-off between visibility and the number of towers erected. He said the Commission must decide whether having fewer overall sites with potentially more visual impact is a higher priority than having more sites with less visual impact. Mr. Dansie also pointed out that with cell towers come power structures and access roads.
- Mr. Pitti wanted to ensure the Commission develops visual restrictions so the community gets what is desirable.

Ms. West suggested they consult a professional to help understand the options.

- Mr. Dansie said they can definitely seek help to craft the ordinance and standards.
- Mr. Marriott and Mr. Archer recommended they get pictures of the latest technologies and sizes to reference. Mr. Burns said it was also important to require companies provide visual simulation.

Mr. Staker asked if wireless could be tied into fiber. Mr. Dansie answered 'yes' and said this was one option but range may be limited.

Mr. Burns said the Park had not received any cell town applications yet, however once one is submitted they have a relatively short period of time to review and make a decision. He indicated federal land can

deny a cell tower application if it is in a wilderness or historic area. Currently Zion National Park has radio towers but no cell towers.

Mr. Taylor noted the majority of elevated land in Town is zoned residential. If the Commission determines towers cannot be located in residential areas then they may be placed on the valley floor. Mr. Dansie said this may provide easier access to the cell tower sites but could mean the structures may be taller.

Based on the discussion, Mr. Pitti suggested the Commission direct staff to draft an ordinance.

- Mr. Burns recommended the Town be cautious of speculation of cell phone tower developers.
- Mr. Dansie said the Town can require proof from any applicant that they have a viable carrier and a plan to take the tower down should the carrier leave.

Mr. Dansie said the Commission must also consider the review process.

- Mr. Archer said it would be important for applicants to go through the Planning Commission for a design development review.

**Discussion of revisions to the General Plan: Chapter 5 Housing:** Mr. Dansie indicated this was the last chapter to review. During the last General Plan update in 2010 housing was a major emphasis. Many projects came from these discussions and led to both the Valley Residential subzone and mixed use ordinances, and also drafts of the cottage neighborhoods and accessory dwelling unit ordinances.

- The framework for the cottage neighborhoods and accessory dwelling unit ordinances had been created. Before proceeding however, the Town Council wanted the General Plan update completed to determine if these concepts were still something the Town wanted to do.
- Mr. Staker asked if there was a map showing areas in Town where pocket neighborhoods could possibly be allowed. Mr. Dansie projected a map on the screen.
  - There are quite a few properties on the south end of Town that could develop pocket neighborhoods, but there is a 1500' separation requirement. The overall potential in Town was a maximum of about seven pocket neighborhoods.
- Mr. Pitti said results from a Town survey and the previous work of a Commission subcommittee indicated this concept was supported.

Unlike cottage neighborhoods, accessory dwelling units (ADUs) are hinted at in the General Plan but not explicitly stated as a strategy to pursue.

- Mr. Archer felt mentioning them in the General Plan would be good. He noted most Homeowner's Associations objected to them.
- Ms. West said ADUs are needed. There is a housing shortage for temporary seasonal help. Ms. West cited 5.2.5.c which states "allow guest houses and auxiliary apartments to be rented on a long term basis in all zones".
- Mr. Pitti said the concept was generally supported but the overall sentiment was 'not in my neighborhood'. People raised issue with the oversight, access and noise.
- Ms. West said most ADUs owners live on-site and therefore would provide more management and maintenance compared to apartments.
- Commissioners agreed it should be mentioned in the General Plan as a strategy.

**Motion to adjourn at 7:00pm made by Randy Taylor; seconded by Liz West.**

**Taylor: Aye**

**Archer: Aye**

**Pitti: Aye**

**West: Aye**

**Marriott: Aye**

**Motion passed unanimously.**



Darci Carlson, Town Clerk

APPROVAL: 

DATE: 10-20-15



To: Springdale Town Planning Commission

From: Gene and Zelda Gerstner

Reference: Letter from Director of Community Development, dated September 25, 2015

Subject: Zone Change Request by Stewart Ferber, concerning the change of Valley Residential Parcel S-78-C-1, 1552 Zion Park Boulevard, to Village Commercial

Zion National Park celebrated its 100<sup>th</sup> birthday in 2009, formally naming that year as the conclusion of a *Century of Sanctuary*. It was an apt designation for the celebration, since in local usage the term "sanctuary" derives from the belief of the first settlers to this region that they had found here a sanctuary, a place of refuge. Those of us who work in the Park regularly explain to visitors that the Park's name, "Zion," means the same thing, "a place of sanctuary," "a refuge," and certainly those of us living hard against Zion's boundaries feel the same way about our home today: we share that same feeling of sanctuary in this valley as that felt by those early founders of our communities.

But the Park is the American people's park, and so visitors flock here daily, not only from this country but from all over the globe. Locals do their best to welcome them and would not wish to exclude them from their own Park. Now, with the rapid growth in Park visitation, mostly over the last two years, unusual and annoying strain has been put upon the surrounding towns' residents, whose streets are now lined with cars, whose air is full of noise and pollution, whose entire infrastructure is taxed in the extreme. The notion of sanctuary, both in the Park and in its environs, is on the brink of disappearing. There are interests which seem to have no objection to the makeover of our towns. New mega-motels and other businesses are being built non-stop to accommodate the growing numbers of seasonal visitors, even before Park studies aimed at dealing with the influx have been completed, and before solutions emerge from those studies, some of which might very well have a negative impact on commercial business plans. Certainly this construction is going on before the towns of Springdale and Rockville have come up with their own master plans to handle more visitors than our tiny valley can accommodate (or at least before those plans have been made public). The plan to speed up construction of those businesses that cater to seasonal visitors and that destroy every vestige of tranquility once enjoyed by permanent residents could have any number of undesirable consequences. (Unbridled commercialism, by the way, was the "plan" adopted by Pigeon Forge, Tennessee, which ended up turning an idyllic spot on a picturesque river into a commercial blight, presently full of shops and fast food establishments but no longer a desirable place to live or the destination of those seeking the peaceful retreat it once offered.)



Now before us is a request by a commercial interest to rezone residential property in order to provide more transient accommodations, accommodations for visitors who spend a day or so here and add nothing to the life of our community. From our location on Claret Cup Lane, we look down on the parcel subject to rezoning and upon the motel fronting it on Zion Park Boulevard. Even from this oblique position, we see the motel's roof tops, regularly have motel guests hike the hill behind our house to sit on rocks in our back yard, at night see numerous outdoor lights (red and white both), listen almost every morning to car horns warning their owners of unlawful entry, and share revelries of late night partygoers. This from the *present* business below us, not the one hoping to expand into our back yard. Now, the present business was there first, on commercial property fronting on Zion Park Boulevard, just as existing zoning law permits, and we accept this. We had knowledge of the business there when we built our home and have no wish and no argument to change the circumstance we knowingly bought into. But we must go on record as opposing the rezoning of the property at 1552 Zion Park Boulevard and what will become for us and our neighbors an existence totally different than the one we have enjoyed since we built here, one that would take place in the lap of a business that has invaded a residential zone, and into the bargain, diluted the investment we have made in our home. And just as noteworthy or even more so, once made, this rezoning will serve as precedent for a convincing argument by others, and who could deny them, to release even more residential parcels into the hands of commercial enterprises. (There is, in fact, another effort presently ongoing to eliminate a Valley Residential property in favor of its redesignation as commercial use property.)

We believe that all our citizens have an equal right to enjoy their Park, but we do not believe that they have an equal right to influence, however indirect, the decisions our elected officials ultimately make to accommodate them, especially when it works to the detriment of permanent residents, and further erodes our town's long history of sanctuary.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie Grothman". The signature is written in dark ink and is positioned below the word "Sincerely,".

**Darci Carlson**

---

**From:** Burns, Jack <jack\_burns@nps.gov>  
**Sent:** Tuesday, October 06, 2015 2:40 PM  
**To:** Darci Carlson  
**Cc:** Allan Staker; Jack Archer; Joe Pitti; Liz West; Mike Marriott; Randy Taylor; Tom Dansie; Rick Wixom; Stan Smith  
**Subject:** Re: Planning Commission - 10/06/15 Agenda and Packet Materials

In the essence of time I'm sending these comments to the planning team. Here are a few Park comments for consideration for Item B1 - Wireless Communications Ordinance.

**Springdale Wireless Communication Ordinance: ZNP Comments**

- You don't need to have a tower - it can be a box attached to the side of a building as long as it is high enough.
- Clearly define what a facility is - which can also be equipment - as well as anything associated with an install.
- Address height, width, material, lights, paint, etc. requirements.
- Make co-location of antennas from other carriers mandatory to avoid a proliferation of towers. Design may affect co-location potential.
- Connection to fiber optic opens lots of possibilities.
- Require propagation studies as part of the application to insure adequate coverage.
- Avoid any lights that may need to be attached to the structure - depends on its height.
- Avoid outdoor lights for fenced in areas if possible.
- Address structure placement in a hazard zone if applicable.
- Mitigate noise as needed. Sound proof interior of buildings, AC/generator placement.
- Address setbacks for placement of a tower (e.g., 75% of whatever the height of the structure is)
- Towers can vary in height - don't have to be 50' - proposed tower in the park is 35' - this impacts area covered.
- Require use of most recent technology.

On Thu, Oct 1, 2015 at 4:26 PM, Darci Carlson <[dcarlson@springdaletown.com](mailto:dcarlson@springdaletown.com)> wrote:

Good afternoon Commissioners,

Following are links to the agenda and packet materials for the **Tuesday, October 6<sup>th</sup> Planning Commission** meeting:

**[Agenda](#)**

**[Item A1 – Public Hearing – Zone change request, 1552 Zion Park Blvd.](#)**

**[Item B1 – Wireless Communication Ordinance](#)**

**[Item B2 – General Plan Update: Chapter 5](#)**

Also, here is a link to the September 15<sup>th</sup> draft minutes: